



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P O BOX 4390
TROY MI 48099-4390

COPY MAILED

JAN 07 2008

OFFICE OF PETITIONS

In re Application of	:
Tobinai et al.	:
Application No. 10/786,917	: DECISION ON PETITION
Filed: February 25, 2004	: UNDER 37 CFR 1.55(c)
Attorney Docket No. 2630.3068.003	:

This is a decision on the petition under 37 CFR 1.55(c), filed August 15, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Japanese No. 11-024203, filed January 1, 1999¹.

The petition is **DISMISSED AS INAPPROPRIATE**.

Review of the record shows that the original application (09/493,363 now patent 6,349,925) was filed before November 29, 2000. As such a petition under 37 CFR 1.55(c) is not required. The filing of the reissue application is the correct avenue of relief for correcting the foreign priority claim.²

Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215.

Anthony Knight
Supervisor
Office of Petitions

¹ It should be noted that the petition states the Japanese application No. 11-024203 has a filing date of January 1, 1999, rather than February 1, 1999.

² In passing, the declaration filed March 13, 2006 is a Supplemental Reissue Declaration which is addressed by The Manual of Patent Examining Procedure, Section 1414.01. The requirements for a Supplemental Reissue Declaration are different than the requirements for an original reissue declaration. An error noted in the original reissue declaration is not a new error when noted again in the Supplemental Reissue Declaration.